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EXHIBIT 10

DANIEL RENZ - 30(B)(6)
MARCH 13, 2024

JOB NO. 891162

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TYRONE HAZEL, ROXANE EVANS,)
VALERIE TORRES, and RHONDA)
HYMAN, individually and on)
behalf of all others)
similarly situated,)
) No. 3:22-cv-07465-CRB
Plaintiffs,)
)
v.)
)
PRUDENTIAL FINANCIAL, INC.)
and ACTIVEPROSPECT, INC.,)
)
Defendants.)

VIDEOTAPED 30(b)(6) DEPOSITION OF
PRUDENTIAL FINANCIAL, INC.'s DESIGNEE
DANIEL RENZ

Wednesday, March 13, 2024
9:30 a.m. to 5:12 p.m.
Seattle, Washington

REPORTED BY:
KIM SCHEUERMAN, WA CCR NO. 2517

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09:59AM 1 A. Yeah. It was included on term.prudential.com when we
09:59AM 2 launched that site on February twenty -- February 23rd,
09:59AM 3 2021.
09:59AM 4 Q. Okay. So before February 23rd of 2021,
09:59AM 5 term.prudential.com, the web form to receive a quote
09:59AM 6 for life insurance, didn't exist?
09:59AM 7 A. That's right.
09:59AM 8 Q. Okay. And then when it did launch, TrustedForm was
09:59AM 9 included in the code?
09:59AM 10 A. That's right.
09:59AM 11 Q. Okay. Can you explain at a very general level --
09:59AM 12 A. Yep.
09:59AM 13 Q. -- how does Prudential make money from
09:59AM 14 term.prudential.com, if it does?
09:59AM 15 A. Yeah. So again, we're getting a little bit outside of
09:59AM 16 what I would have -- what I would've prepped on.
10:00AM 17 Q. Okay.
10:00AM 18 A. Or educated myself on, but my understanding is you can
10:00AM 19 buy life -- Prudential life insurance quotes through
10:00AM 20 the term.prudential.com website. Obviously, if a
10:00AM 21 consumer is buying a Prudential life insurance policy,
10:00AM 22 you -- you know, Prudential is -- is making money in
10:00AM 23 that instance.
10:00AM 24 And then Assurance IQ or -- or other US -- other
10:00AM 25 Prudential distributors, its own retail advice and

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10:10AM 1 outside the scope of the 30(b)(6) topic.

10:10AM 2 A. Yeah. So I -- I don't know how they impact the web
10:11AM 3 form. But I just know that Justin Schmauser, for
10:11AM 4 instance, used to be in our -- what we would think of
10:11AM 5 as our life insurance -- our lifeline of business.

10:11AM 6 And as a -- as a senior product manager, we have
10:11AM 7 reshuffled the way we organize our technology
10:11AM 8 organization and our business generally, and Justin now
10:11AM 9 reports to -- to someone else. He is in the
10:11AM 10 product org. So...

11 Q. (By Ms. Gliozzo) Okay.

10:11AM 12 A. But I don't -- I -- I don't know how that impacted
10:11AM 13 term.prudential.com, if at all.

10:11AM 14 Q. That's fine. And you told me before there was some
10:11AM 15 shared executives between Assurance and Prudential?

10:11AM 16 A. So shared in the sense of certain of our executives are
10:11AM 17 Prudential employees. Yeah. So I'm not exactly sure
10:11AM 18 what you mean by "shared." But yes, Prudential
10:11AM 19 employees who are our executives.

10:11AM 20 Q. Okay. So maybe this answers that -- this is related to
10:11AM 21 that. I've seen in some of the documents there are
10:12AM 22 folks who have both an Assurance e-mail address and a
10:12AM 23 Prudential e-mail address, and both are copied on the
10:12AM 24 chain?

10:12AM 25 A. Yeah.

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10:12AM 1 Q. Is that the -- is that those folks that you're
10:12AM 2 referring to?
10:12AM 3 A. That would be true of the folks that I mentioned.
10:12AM 4 Q. Okay.
10:12AM 5 A. There may be other Assurance folks for whom that's
10:12AM 6 true, but I -- I don't have that full list off the top
10:12AM 7 of my head of who -- who exactly are Prudential
10:12AM 8 employees that are --
10:12AM 9 Q. Okay. One of them --
10:12AM 10 A. -- sort of assigned to Assurance.
10:12AM 11 Q. Sorry. One of them was Ashley Westover.
10:12AM 12 Can you remind me what her role is?
10:12AM 13 A. She is Assurance IQ's privacy officer.
10:12AM 14 Q. What is her role at Prudential?
10:12AM 15 A. I do not know.
10:12AM 16 Q. Okay. And then another one was -- I pronounce this
17 wrong. Kristin Gemski?
10:12AM 18 A. Gemski.
10:12AM 19 Q. Gemski. What's her role?
10:12AM 20 A. So Kristin is no longer at Assurance or Prudential.
21 Q. Okay.
10:12AM 22 A. But she was a -- she was a lawyer. She was our deputy
10:12AM 23 chief legal officer at Assurance briefly. And before
10:12AM 24 that, she was corporate counsel at Prudential. But I
10:13AM 25 don't know her exact titles when at Prudential.

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10:14AM 1 initially contracted with ActiveProspect.

10:14AM 2 Q. Okay. You said you're guessing?

10:14AM 3 A. Yeah. So -- so I -- I didn't discuss with anybody.

10:14AM 4 I -- yeah. I do not know how we originally decided to

10:15AM 5 use TrustedForm on Assurance websites.

10:15AM 6 Q. Okay. And so then who -- who's the person at

10:15AM 7 Prudential that sort of has the best understanding of

10:15AM 8 what TrustedForm is and how it works?

10:15AM 9 A. Do you mean at Assurance or -- yeah.

10:15AM 10 Q. I mean at Prudential?

10:15AM 11 A. I don't know who the best -- it -- yeah, I -- it --

10:15AM 12 Q. Can you tell me generally who those people are?

10:15AM 13 MS. FISHER: Objection. Foundation.

10:15AM 14 A. Probably Doug Moran, our CLO.

10:15AM 15 Q. (By Ms. Gliozzo) Somebody named Doug?

10:15AM 16 A. What's that? Doug Moran.

10:15AM 17 Q. Doug Moran?

10:15AM 18 A. Yep.

10:15AM 19 Q. And what did you say that Doug's title is?

10:15AM 20 A. Chief legal officer at Assurance IQ.

10:15AM 21 Q. Okay. At Assurance. So I was asking about Prudential.

10:15AM 22 A. Yeah.

10:15AM 23 Q. Am I understanding you right that -- is there anyone at

10:16AM 24 Prudential that understands how TrustedForm works?

10:16AM 25 A. So Doug is a Prudential employee, as I mentioned

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10:16AM 1 before.

10:16AM 2 Q. Okay. So he's Assurance's chief legal officer and he's

10:16AM 3 also Prudential.

10:16AM 4 A. Yeah. This is -- yeah. What I -- what I mentioned

10:16AM 5 before around how certain of our executives are

10:16AM 6 Prudential employees assigned to Assurance.

10:16AM 7 Q. Okay. What's his title at Prudential?

10:16AM 8 A. I actually don't know. Probably VP. I don't...

10:16AM 9 Q. VP of something?

10:16AM 10 A. He's -- he's a lawyer, so...

10:16AM 11 Q. Okay.

10:16AM 12 A. But I don't know what his title is at Prudential.

10:16AM 13 Q. He is a lawyer. Okay. Good to know.

10:16AM 14 Is there anyone outside Prudential's legal

10:16AM 15 department that understands generally how TrustedForm

10:16AM 16 works or interacts with it in any way in their normal

10:16AM 17 business?

10:16AM 18 A. No one that interacts with it in their normal business.

10:16AM 19 I don't know about your -- your prior question about

10:16AM 20 people who understand it.

10:16AM 21 Q. Okay. That's about -- let me write it down.

10:16AM 22 Is there anyone at Prudential that interacts with

10:16AM 23 the TrustedForm software in the course of their normal

10:17AM 24 business?

10:17AM 25 A. No.

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11:21AM 1 Allen in response to his e-mail?

11:21AM 2 A. Do you want me to just read it?

11:21AM 3 Q. Just the first two sentences is fine.

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11:22AM 22 Q. Well, let me ask you: Who pays for the TrustedForm
11:23AM 23 product on term.prudential.com?

11:23AM 24 A. Assurance.

11:23AM 25 Q. Assurance? Okay. Let's go to a different document.

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11:49AM 1 MS. FISHER: Objection to the extent the
11:49AM 2 question calls for information outside the noticed
11:49AM 3 30(b)(6) topics.
11:49AM 4 Q. (By Ms. Gliozzo) Are you aware of the number of
11:49AM 5 instances that information was captured?
11:49AM 6 A. No. Because I didn't prepare to speak to that, given
11:49AM 7 our -- how we narrowed this topic in our responses and
11:49AM 8 objections.
11:49AM 9 Q. So maybe this is a question I have for Grace, not that
11:49AM 10 I have for you. That's fine.
11:49AM 11 Okay. So what is the number of individuals who
11:49AM 12 submitted information on term.prudential.com from March
11:50AM 13 2022 to January of 2023?
11:50AM 14 A. Yeah. I would say not the number of individuals who
11:50AM 15 submitted information, the number of individuals who
11:50AM 16 submitted a name on term.prudential.com during that
11:50AM 17 time period from a California IP address was 40,954.
11:50AM 18 Q. 40,954?
11:50AM 19 A. Yes.
11:50AM 20 Q. Exhibit 6, which is your notes, that's the number
11:50AM 21 that's listed under Kevin Bao's name, right?
11:50AM 22 A. That's right.
11:50AM 23 Q. Okay. So this number came from Kevin Bao?
11:50AM 24 A. Right.
11:50AM 25 Q. How did he determine that that is the number?

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11:50AM 1 How did Prudential determine that that is the
11:50AM 2 number?
11:50AM 3 A. We looked at our database of consumers who had entered
11:50AM 4 a name into term.prudential.com during relevant time
11:50AM 5 period, March '22 to January 2023, and then filtered by
11:50AM 6 California IP addresses.
11:51AM 7 Q. Okay. And is this -- we talked about Assurance has its
11:51AM 8 database and Prudential has its sort of parallel
11:51AM 9 database.
11:51AM 10 This is in the Prudential database?
11:51AM 11 A. No. This is the Assurance database.
11:51AM 12 Q. Assurance. Okay. Do you know, if you did that in the
11:51AM 13 Prudential database, is it a different number?
11:51AM 14 A. I don't know.
11:51AM 15 Q. You didn't look?
11:51AM 16 A. Didn't look.
11:51AM 17 Q. Why did you pick the Assurance database over the
11:51AM 18 Prudential one to find the answer to this question?
11:51AM 19 A. I -- I don't know why we -- we picked the Assurance
11:51AM 20 database because that's where we store customer
11:51AM 21 information -- the information input into
11:51AM 22 term.prudential.com.
11:51AM 23 Q. I thought -- maybe I misunderstood. I thought the
11:51AM 24 Prudential parallel database had all the same
11:51AM 25 information; am I wrong?

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11:51AM 1 A. I didn't say that. I said that the Prudential
11:51AM 2 database -- I understand it at a high level -- that it
11:51AM 3 was used to store certain information about consumers
11:52AM 4 who had come through term.prudential.com so that
11:52AM 5 Prudential could -- certain groups at Prudential could
11:52AM 6 reach out to those individuals.

11:52AM 7 That is not the same thing as saying that they
11:52AM 8 store -- they store the exact same information that we
11:52AM 9 store on the Assurance side. But it's an
11:52AM 10 Assurance-hosted website, so our database is capturing
11:52AM 11 everything that was put into the web pages.

11:52AM 12 Q. Okay. So potentially, the Prudential database includes
11:52AM 13 less than everybody?

11:52AM 14 A. I don't know.

11:52AM 15 MS. FISHER: Objection. Calls for
11:52AM 16 speculation.

11:52AM 17 Q. (By Ms. Gliozzo) But the Assurance database, which is
11:52AM 18 the one you looked at, does include information for all
11:52AM 19 the leads that were submitted in this time frame,
11:52AM 20 right?

11:52AM 21 A. Yes. And can I make one more comment on the number?

11:52AM 22 Q. Sure. What's the comment about the number that you
11:52AM 23 want to make?

11:52AM 24 A. Just that -- so I said the number of individuals who
11:52AM 25 put a name in the term.prudential.com -- yeah. That --

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01:21PM 18 Q. Were there any changes between 2021 when it launched
01:21PM 19 and the beginning of 2023 to the content of what was
01:21PM 20 being requested from someone filling out the form?

01:22PM 21 A. No material changes to the types of information we
01:22PM 22 requested from individuals filling out the form.

01:22PM 23 Q. Okay. Were there immaterial changes?

01:22PM 24 A. Those are what I just spoke to.

01:22PM 25 Q. Okay. So look and feel is -- I -- I had interpreted

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01:22PM 1 that to be like design and that type of thing. But
01:22PM 2 you're saying potentially it was like the wording of
01:22PM 3 the question, but not the information that the question
01:22PM 4 is seeking to elicit; is that right?
01:22PM 5 A. Right. Because this is a -- because my understanding
01:22PM 6 is this is the information necessary to generate a life
01:22PM 7 insurance quote. So -- so that itself wouldn't have
01:22PM 8 changed materially.
01:22PM 9 Q. Okay. So all of the information that we just went
01:22PM 10 through, height, weight, medical history, medications,
01:22PM 11 all that stuff, that's been consistently asked in this
01:22PM 12 web form since its launch?
01:22PM 13 A. That's my understanding.
01:22PM 14 Q. Okay. Okay.
01:23PM 15 (Exhibit 19 marked for identification.)
01:23PM 16 Q. (By Ms. Gliozzo) Okay. I am handing you what's been
01:23PM 17 marked as Exhibit 19. Do you see this is a document
01:23PM 18 that was produced in this case?
01:23PM 19 A. Yes.
01:23PM 20 Q. And it's just a link, right?
21 A. It's a what?
01:23PM 22 Q. It's just a link?
01:23PM 23 A. This page, yes.
01:23PM 24 Q. Okay. If you turn the page, what I've done here is
01:23PM 25 I've followed the link and then I've put in -- you

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01:37PM 1 Q. Shows it's not -- it's not displaying there; am I
01:37PM 2 right?

01:37PM 3 A. Right.

01:37PM 4 Q. Do you see anywhere on this representation of what the
01:37PM 5 person viewed anything that would purport to get their
01:38PM 6 consent to be recorded?

01:38PM 7 MS. FISHER: Objection to the extent the
01:38PM 8 question calls for a legal conclusion and to the extent
01:38PM 9 the question seeks information outside the scope of the
01:38PM 10 noticed 30(b)(6) topics.

01:38PM 11 A. There's nothing here other than what I see.

01:38PM 12 Q. (By Ms. Gliozzo) Okay. There's nothing that says
01:38PM 13 consent, right?

01:38PM 14 A. Right.

01:38PM 15 Q. There's nothing that says privacy notice, right?

01:38PM 16 A. Not on this page. Right.

01:38PM 17 Q. There's nothing that says, By continuing you agree to
01:38PM 18 our terms, right?

01:38PM 19 A. Right.

01:38PM 20 Q. There's nothing that says, TrustedForm is operating on
01:38PM 21 this page, right?

01:38PM 22 A. That's right.

01:38PM 23 Q. It doesn't say TrustedForm anywhere on here?

01:38PM 24 A. In this session replay window?

01:38PM 25 Q. Right.

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01:43PM 1 will be added on Plate 2, redacted," right?

01:44PM 2 A. Right.

01:44PM 3 Q. And it says, "This banner appears, requires no

01:44PM 4 interaction, & disappears on any additional click,"

01:44PM 5 right?

01:44PM 6 A. That's what it says. Yeah.

01:44PM 7 Q. Underneath it says, "This banner is more of a notice,

01:44PM 8 rather than changeable consent button," right?

01:44PM 9 A. Right.

01:44PM 10 Q. And then it says language as follows, and it provides

01:44PM 11 the language of a potential banner, right?

12 A. Right.

01:44PM 13 Q. To your knowledge, was a banner along the lines

01:44PM 14 described here subsequently added to the

01:44PM 15 term.prudential.com web form?

01:44PM 16 A. Yes.

01:44PM 17 Q. Okay. When was it added?

01:44PM 18 A. December 14th, 2022.

01:44PM 19 Q. Okay. Do you know, is the language here -- do you know

01:44PM 20 if that's the final language that was used?

01:45PM 21 A. I don't know. I would have to see a -- a screenshot.

01:45PM 22 Q. And you told me before, Ashley Ambrose is somebody in

01:45PM 23 AIQ's legal department; is that right?

01:45PM 24 A. No. She is a -- she is Assurance's privacy officer.

01:45PM 25 Q. Privacy officer. Okay. Is she a lawyer?

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02:45PM 1 A. Let me look through it. Yes.

02:45PM 2 Q. What is it?

02:45PM 3 A. This is Prudential's privacy notice that's posted on

02:45PM 4 its website from its privacy center.

02:45PM 5 Q. Okay. Do you see on the second page at the very

02:45PM 6 bottom, it says "Privacy Ed 1/2022," right?

02:46PM 7 A. At the very bottom right there? Yes.

8 Q. Yes.

02:46PM 9 A. Privacy ed 1/22.

02:46PM 10 Q. Okay. I'm going to hand you another document. This is

02:46PM 11 going to be marked as Exhibit 28.

02:46PM 12 (Exhibit 28 marked for identification.)

02:46PM 13 Q. (By Ms. Gliozzo) Okay. What is Exhibit 28?

02:46PM 14 A. So this is also Prudential's privacy notice, but the

02:46PM 15 2023 version of it.

02:46PM 16 Q. Okay. So the date on this one in the bottom, it says,

02:46PM 17 1/2023, right?

02:46PM 18 A. Right.

02:46PM 19 Q. January 2023?

02:46PM 20 A. Right.

02:46PM 21 Q. Okay. So the version of the privacy notice that it --

02:46PM 22 was in force during our relevant time period is the --

02:46PM 23 the first one, right, 2022?

02:46PM 24 A. Well, if we're going all the way through January 2023,

02:46PM 25 then both would be relevant at different times.

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03:05PM 1 A. The top of page 2?

2 Q. Uh-huh.

03:05PM 3 A. "It is also intended to capture," that sentence?

03:05PM 4 Q. That's right.

03:05PM 5 A. Okay. "It is also intended to capture what was viewed

03:05PM 6 by the site visitor on the Hosting Page, as well as the

03:06PM 7 site visitor's real-time interactions with the Hosting

03:06PM 8 Page, for example, clicks, mouse movements, and data

03:06PM 9 inputs."

03:06PM 10 Q. Okay. And Assurance used this technology before it was

03:06PM 11 implemented on the Pru Branded Path, right?

03:06PM 12 MS. FISHER: Objection to the extent the

03:06PM 13 question calls for information outside the scope of the

03:06PM 14 noticed 30(b)(6) topics.

03:06PM 15 A. Yes.

03:06PM 16 Q. (By Ms. Gliozzo) Okay. So in addition to it being

03:06PM 17 described here, Assurance also knew how the technology

03:06PM 18 worked from experience, right?

03:06PM 19 MS. FISHER: Objection to the extent the

03:06PM 20 question calls for information outside the scope of the

03:06PM 21 noticed 30(b)(6) topics and calls for speculation.

03:06PM 22 A. Yes. Whoever worked on TrustedForm at the time, yes.

03:06PM 23 Q. (By Ms. Gliozzo) Okay. Let's skip down. Do you see

03:06PM 24 under "Your Data and Content; Privacy"?

03:06PM 25 A. Yes.

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03:58PM 1 policies in the footer of the website.

03:58PM 2 So those are sort of conspicuously there in the
03:58PM 3 footer of the website and those always have been. And
03:58PM 4 that link is -- it -- the link -- the hyperlink, I
03:58PM 5 think it says privacy center, and when you click on
03:58PM 6 that, it takes you to Prudential's privacy center.

03:58PM 7 Q. Okay. So my question for you is: If a user of the
03:58PM 8 website, they're on prudential.com, there's a link to
03:58PM 9 Prudential's privacy center, they go through Pru
03:59PM 10 Branded Path, and there may be a link at the end of
03:59PM 11 that to Prudential's privacy center, right?

03:59PM 12 A. Not at the end of that. On each and every page, in the
03:59PM 13 footer of the page.

03:59PM 14 Q. Okay. How is the Assurance privacy policy presented to
03:59PM 15 a user, if at all?

03:59PM 16 A. It's -- on term.prudential.com?

03:59PM 17 Q. Uh-huh.

03:59PM 18 A. In -- as I mentioned, that was an update on March --
03:59PM 19 that's the March 10th, 2023 update where the
03:59PM 20 Prudential -- sorry, the Assurance privacy center was
03:59PM 21 linked from the banner.

03:59PM 22 Q. Okay. So before March 10th, 2023, how, if at all, is
03:59PM 23 any user directed to the Assurance privacy policy?

03:59PM 24 A. Not -- not directly from the -- yeah. Not from the
03:59PM 25 page.

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03:59PM 1 Q. Not -- okay. Not --

03:59PM 2 A. Because as I mentioned, that privacy center link goes
03:59PM 3 to Prudential's privacy policy, which is the documents
03:59PM 4 we had looked at previously.

03:59PM 5 Q. Okay. So then can you help me understand. I asked if
04:00PM 6 you wanted to find out if there was any record of
04:00PM 7 whether a particular visitor went to the privacy center
04:00PM 8 or not, you would ask Kevin Bao, who's at Assurance.

04:00PM 9 But it's the Prudential privacy policy that's the
04:00PM 10 relevant one for our time frame, right?

04:00PM 11 MS. FISHER: Objection to the extent the
04:00PM 12 question seeks information outside the scope of the
04:00PM 13 30(b)(6) topics and assumes facts not in evidence.

04:00PM 14 A. Again, it's an Assurance hosted website where, as I
04:00PM 15 mentioned, we built the website. So we -- we would --
04:00PM 16 if we capture that sort of data, Assurance would --
04:00PM 17 Assurance more than Prudential would have -- I guess,
04:00PM 18 you know -- anyways. Yes. It -- I say Kevin because
04:00PM 19 that click would have happened on the website we built,
04:00PM 20 which is Pru Branded Path, like -- like I mentioned
04:00PM 21 before.

04:00PM 22 Q. (By Ms. Gliozzo) So if I want to know whether
04:00PM 23 Assurance collects information about whether somebody
04:00PM 24 visited Prudential's privacy policy, Kevin is the
04:00PM 25 person I should ask?

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04:15PM 1 A. Oh, sorry. I was looking at the very end. There is a
04:15PM 2 date. Yes. 1/18/2023.
04:15PM 3 Q. Okay. I understand that represents the date that this
04:15PM 4 was last updated; is that correct?
04:15PM 5 A. That's my understanding.
04:15PM 6 Q. Okay. So this is the updated California resident
04:15PM 7 policy from January 2023 on, right?
04:15PM 8 A. Right.
04:15PM 9 Q. Okay. Let's go back to the first page.
10 A. Okay.
04:16PM 11 Q. On the first page, it says, "Last updated: December
04:16PM 12 2022."
04:16PM 13 Do you see that?
04:16PM 14 A. Yes.
04:16PM 15 Q. Okay. Do you know if that's just outdated?
04:16PM 16 A. I don't know. I don't know.
04:16PM 17 Q. Do you see, it says, "Your privacy is important to us.
04:16PM 18 This California resident privacy statement" -- blah,
04:16PM 19 blah, blah -- "applies to visitors, users, and others,"
04:16PM 20 quote, who reside in the State of California, right?
04:16PM 21 A. Right.
04:16PM 22 Q. And then it says, "The information in this privacy
04:16PM 23 statement is provided by Prudential Financial, its
04:16PM 24 subsidiaries and affiliates, other than Assurance IQ,"
04:16PM 25 right?

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04:22PM 1 Q. TrustedForm collects personal information when folks
04:22PM 2 submit it on Pru Branded Path, right?
04:22PM 3 MS. FISHER: Objection. Calls for a legal
04:22PM 4 conclusion.
04:22PM 5 A. TrustedForm, it collects the information we sell.
04:22PM 6 Q. (By Ms. Gliozzo) Right. So like the information that
04:22PM 7 people enter into the form fields, that's included
04:22PM 8 in -- in what TrustedForm collects, right?
04:23PM 9 A. Yes.
04:23PM 10 Q. Okay. There's one more thing I want to ask about on
04:23PM 11 this page. I'm looking at PRU Bates page 13.
04:23PM 12 A. Okay.
04:23PM 13 Q. It's in the fine print.
04:23PM 14 A. Okay.
04:23PM 15 Q. The top of the page, the first full paragraph says
04:23PM 16 Assurance IQ, LLC is a wholly owned subsidiary
04:23PM 17 of Prudential Financial, right?
04:23PM 18 A. Right.
04:23PM 19 Q. And then Assurance "matches buyers with products such
04:23PM 20 as life and health insurance and auto insurance,
04:23PM 21 enabling them to make purchases online or through an
04:23PM 22 agent," right?
04:23PM 23 A. Right.
04:23PM 24 Q. Do you know why that's included here?
04:24PM 25 MS. FISHER: Objection. Calls for a legal

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04:24PM 1 conclusion. Objection to the extent the question calls
04:24PM 2 for information outside the scope of the noticed
04:24PM 3 30(b)(6) topics.
04:24PM 4 A. No, I don't.
04:24PM 5 Q. (By Ms. Gliozzo) Because as we noted, Assurance is
04:24PM 6 explicitly carved out at the outset of who this
04:24PM 7 policy -- privacy statement applies to, right?
04:24PM 8 A. Other than Assurance IQ. Yes.
04:24PM 9 Q. Okay. Okay. Have you seen the prior version of this
04:24PM 10 California resident privacy statement?
04:24PM 11 MS. FISHER: Objection. Vague and ambiguous.
04:24PM 12 A. I have not.
04:24PM 13 Q. (By Ms. Gliozzo) Let me back up. We saw that this was
04:24PM 14 last updated in January 2023, right?
04:24PM 15 A. Right.
04:24PM 16 Q. Did a version of this exist before then?
04:24PM 17 A. Well, this says last updated December 2022, so I assume
04:25PM 18 so.
04:25PM 19 Q. Did a version of -- of Prudential's California resident
04:25PM 20 privacy statement exist before December 2022?
04:25PM 21 A. Yes.
04:25PM 22 Q. Okay. But you haven't reviewed it, you haven't seen
04:25PM 23 it?
04:25PM 24 A. Right.
04:25PM 25 Q. Okay. I'll represent to you I looked through what was

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04:25PM 1 produced in this case, and I couldn't find it. So I
04:25PM 2 tried to find it myself.
04:25PM 3 You're familiar with the Wayback Machine, right?
04:25PM 4 A. Yes. We saw that earlier.
04:25PM 5 Q. Okay. As you point out. Yeah. Some of the documents
04:25PM 6 that Prudential has produced to us have used the
04:25PM 7 Wayback Machine, right?
04:25PM 8 A. Right.
04:25PM 9 Q. Okay. So I'm going to hand you what has been marked as
04:25PM 10 Exhibit 31.
04:25PM 11 (Exhibit 31 marked for identification.)
04:25PM 12 Q. (By Ms. Gliozzo) Do you see the first page of
04:25PM 13 Exhibit 31, and the screenshot from Wayback Machine,
04:25PM 14 right?
04:25PM 15 A. Right.
04:25PM 16 Q. And the date is June 4, 2022, right?
04:26PM 17 A. Right.
04:26PM 18 Q. And it's Prudential's California Consumer Privacy Act
04:26PM 19 disclosure, right?
04:26PM 20 A. Right.
04:26PM 21 Q. Okay. If we turn to the next page, this is -- I
04:26PM 22 printed it out. This is from the Wayback Machine.
04:26PM 23 Do you have any reason to doubt that this is the
04:26PM 24 genuine California Consumer Privacy Disclosure from
04:26PM 25 Prudential around June 4, 2022?

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04:26PM 1 A. No.

04:26PM 2 Q. It looks right, doesn't it?

04:26PM 3 A. Yes.

04:26PM 4 Q. Okay. If we jump to the last page. And this one says

04:26PM 5 "Last Updated: September 21, 2021," right?

04:26PM 6 A. Right.

04:26PM 7 Q. Okay. So this is the version of the California

04:26PM 8 resident privacy policy that was in force for almost

04:26PM 9 all of the relevant time frame, right?

04:27PM 10 A. Right.

04:27PM 11 Q. Okay. Let's just go through it and see if there are

04:27PM 12 any changes from the version we just looked at that I

04:27PM 13 want to flag.

04:27PM 14 In the first sentence, it says -- Assurance IQ is

04:27PM 15 similarly carved out, right?

04:27PM 16 A. Right.

04:27PM 17 Q. I assume -- well, let me just ask: Do you know why

04:27PM 18 Assurance is carved out of this version of the

04:27PM 19 California resident policy?

04:27PM 20 A. No.

04:27PM 21 MS. FISHER: Objection to the extent the

04:27PM 22 question calls for information outside the scope of the

04:27PM 23 noticed 30(b)(6) topics.

04:27PM 24 A. No.

04:27PM 25 Q. (By Ms. Gliozzo) Okay. Let's go to "Our Collection of

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04:27PM 1 Personal Information."

04:27PM 2 A. Okay.

04:27PM 3 Q. "In the past 12 months, we have collected the following

04:27PM 4 categories of Personal Information relating to

04:27PM 5 California residents," right?

04:27PM 6 A. Right.

04:27PM 7 Q. And then Number 6 is "Online Use Information," right?

04:27PM 8 A. Right.

04:27PM 9 Q. It says, quote, Internet or network activity

04:28PM 10 information, such as browsing history and interactions

04:28PM 11 with our website, okay?

04:28PM 12 A. Right.

04:28PM 13 Q. There's no mention of keystrokes and clicks, right?

04:28PM 14 A. Not here. Yeah.

04:28PM 15 Q. Okay. So that -- that's something that was added in

04:28PM 16 the 2023 version, right?

04:28PM 17 MS. FISHER: Objection. Calls for

04:28PM 18 speculation. And objection to the extent the

04:28PM 19 question seeks information outside the scope of the

04:28PM 20 noticed 30(b)(6) topics.

04:28PM 21 A. Yep. I don't recall if this is the exact spot that

04:28PM 22 keystrokes was added in the last policy we looked at.

04:28PM 23 So yes, that -- that was in that document, and I don't

04:28PM 24 see it in this part of this document.

04:28PM 25 Q. (By Ms. Gliozzo) Okay. I am looking for an analogous

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04:28PM 1 section to the third-party section we looked at before
04:28PM 2 that says we allow third parties to control the
04:28PM 3 collection of data. And I don't see it in here.

04:28PM 4 Do you see it in here?

04:29PM 5 A. So when you say here, you're talking about the prior
04:29PM 6 document we looked at?

04:29PM 7 Q. Right. In the 2021 version of the California --

04:29PM 8 A. The 2023 version?

04:29PM 9 Q. The language regarding third parties that was in the
04:29PM 10 2023 version, I don't see in the 2021 version.

04:29PM 11 Do you see it?

04:29PM 12 MS. FISHER: Objection to the extent the
04:29PM 13 question seeks information outside the scope of the
04:29PM 14 30(b)(6) topics.

04:29PM 15 A. Let me read through it.

04:29PM 16 Q. (By Ms. Gliozzo) Sure.

04:29PM 17 MS. FISHER: Also, Nina, it appears that the
04:29PM 18 screenshot cuts off part of this chart.

04:29PM 19 MS. GLIOZZO: I couldn't get it to print. In
04:29PM 20 the one you produced, it's very similarly cut off.

04:29PM 21 MS. FISHER: Okay.

22 MS. GLIOZZO: I --

04:29PM 23 MS. FISHER: We'll follow up on that if
24 needed.

04:29PM 25 MS. GLIOZZO: The -- the link is provided

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04:29PM 1 if -- if anybody needs to double-check it.

04:29PM 2 MS. FISHER: Okay.

04:30PM 3 A. Yeah. I do not -- just as I skim through it, I don't
04:30PM 4 see a section titled third parties in this -- this
04:30PM 5 earlier document.

04:30PM 6 Q. (By Ms. Gliozzo) Okay. So in the version of the
04:30PM 7 California resident privacy policy that was in force
04:30PM 8 from 2021 through either December 2022 or January 18th,
04:30PM 9 2023, depending on which of the dates on either
04:30PM 10 document you go by, visitors to the website are not
04:30PM 11 told explicitly that third parties control the
04:30PM 12 collection of personal information from them on certain
04:30PM 13 parts of the website?

04:30PM 14 MS. FISHER: Objection. The document speaks
04:30PM 15 for itself. And objection to the extent the question
04:30PM 16 seeks information outside the scope of the 30(b)(6)
04:30PM 17 topics.

04:30PM 18 A. So yeah. I don't see a reference that says control --
04:30PM 19 third parties do control the collection of personal
04:30PM 20 information, but I do in -- in our -- in the section
04:30PM 21 entitled, "Our Disclosure of Personal Information," "In
04:30PM 22 the past 12 months, we have disclosed the following
04:30PM 23 categories of Personal Information relating to
04:31PM 24 California residents to the following categories of
04:31PM 25 third parties for our business purposes."

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04:31PM 1 Q. (By Ms. Gliozzo) Okay. And --

04:31PM 2 A. And then there -- there's further clarity on that after

04:31PM 3 that table.

04:31PM 4 Q. Okay. Nothing in there would tell anybody that a third

04:31PM 5 party is operating on the website to control the

04:31PM 6 collection of their personal information, right?

04:31PM 7 MS. FISHER: Objection. Calls for

04:31PM 8 speculation. Objection to the extent the question

04:31PM 9 seeks information outside the scope of the 30(b)(6)

04:31PM 10 topics.

04:31PM 11 Q. (By Ms. Gliozzo) Let me rephrase the question. This

04:31PM 12 disclosure does not include language that says third

04:31PM 13 parties control the collection of your personal

04:31PM 14 information on our website?

04:31PM 15 A. Right.

04:31PM 16 Q. Okay. Nor does this 2021 version of the California

04:31PM 17 privacy policy advise -- include language that

04:31PM 18 information gathered by third parties is subject to the

04:32PM 19 privacy policies of those third parties?

04:32PM 20 MS. FISHER: Objection. Document speaks for

04:32PM 21 itself. And objection to the extent the question seeks

04:32PM 22 information outside the scope of the 30(b)(6) topics.

04:32PM 23 A. Yeah. I don't see anything here.

04:32PM 24 Q. (By Ms. Gliozzo) Do you know why that language was

04:32PM 25 added in the 2023 edition of this document?

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04:32PM 1 A. I don't --

04:32PM 2 MS. FISHER: Objection. Calls for
04:32PM 3 speculation. Objection to the extent the question
04:32PM 4 seeks information outside the scope of the noticed
04:32PM 5 30(b)(6) topics.

04:32PM 6 A. I don't.

04:32PM 7 Q. (By Ms. Gliozzo) So in the California resident privacy
04:32PM 8 policy that was in force in 2021 onward, is there any
04:32PM 9 mention of ActiveProspect in this policy at all?

04:33PM 10 A. I did not see a mention to ActiveProspect as I skimmed
04:33PM 11 it.

04:33PM 12 Q. Is there any mention of TrustedForm?

04:33PM 13 A. I did not see one.

04:33PM 14 Q. Okay. So if a user went on your website, you being
04:33PM 15 Prudential, in 2022 or 2021 and clicked on the
04:33PM 16 California resident privacy policy, there's nothing in
04:33PM 17 here that we have discussed or seen, there's nothing in
04:33PM 18 here at all that would tell them specifically that
04:33PM 19 ActiveProspect is a third party that controls the
04:33PM 20 collection of their data on Prudential's website?

04:33PM 21 A. As I said, I don't see a reference to TrustedForm or
04:33PM 22 ActiveProspect in this document.

04:33PM 23 Q. There's nothing to tell a visitor to your website in
04:33PM 24 2021 or 2022 who is looking at this policy that
04:33PM 25 ActiveProspect software is operating on

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04:34PM 1 term.prudential.com?

04:34PM 2 A. There's no specific reference to that.

04:34PM 3 Q. Okay. Similarly, there's nothing to tell them that
04:34PM 4 through the TrustedForm software, ActiveProspect is
04:34PM 5 collecting the information they provide on the web
04:34PM 6 form?

04:34PM 7 MS. FISHER: Objection. Assumes facts not in
04:34PM 8 evidence. And objection to the extent the question
04:34PM 9 seeks information outside the scope of the 30(b)(6)
04:34PM 10 topics.

04:34PM 11 A. Again, I don't see anything in the document about that.

04:34PM 12 Q. (By Ms. Gliozzo) Okay. And as we have discussed,
04:34PM 13 TrustedForm collects this information in real time,
04:34PM 14 right, keystroke by keystroke, we saw that event log?

04:34PM 15 MS. FISHER: Objection. Calls for a legal
04:34PM 16 conclusion. Objection. Lacks foundation, and
04:34PM 17 objection to the extent the questions seeks information
04:34PM 18 outside the scope of the noticed 30(b)(6) topics.

04:34PM 19 A. Yeah. I can't speak to the exact operation of
04:34PM 20 TrustedForm. So if you say keystroke by keystroke, I
04:34PM 21 don't know if it's every keystroke. But generally,
04:35PM 22 that is my understanding of TrustedForm.

04:35PM 23 Q. (By Ms. Gliozzo) The way that TrustedForm works, it
04:35PM 24 collects information in real time, right?

04:35PM 25 MS. FISHER: Objection. Misstates the

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04:38PM 1 Exhibit 31, right?

04:38PM 2 A. Yeah.

04:38PM 3 Q. Okay. And we just confirmed TrustedForm records inputs
04:38PM 4 by the user mouse clicks in real time, right?

04:38PM 5 MS. FISHER: Objection. Calls for a legal
04:38PM 6 conclusion. And objection to the extent the question
04:38PM 7 seeks information outside the scope of the noticed
04:38PM 8 30(b)(6) topics.

04:38PM 9 A. Right.

04:38PM 10 Q. (By Ms. Gliozzo) And there's no language in this
04:38PM 11 California resident privacy policy that would tell a
04:39PM 12 visitor to the website in 2021 or 2022 who clicked on
04:39PM 13 this privacy policy and looked at it, there's nothing
04:39PM 14 to tell them that TrustedForm is recording their inputs
04:39PM 15 and mouse movements in real time, right?

04:39PM 16 MS. FISHER: Objection. Calls for
04:39PM 17 speculation. And the document speaks for itself.

04:39PM 18 A. I don't see any reference to TrustedForm or
04:39PM 19 ActiveProspect.

04:39PM 20 Q. (By Ms. Gliozzo) Okay. In the 2023 version of this
04:39PM 21 policy, which is Exhibit 30, there is a reference to we
04:39PM 22 collect your keystrokes and mouse clicks, right, that's
04:39PM 23 the one, it's page PRU 4?

04:39PM 24 A. Yes. Just grabbed it. Say that again.

04:39PM 25 Q. In the 2023 version of the California resident

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1 (Question read back.)

04:40PM 2 MS. GLIOZZO: Okay.

04:41PM 3 MS. FISHER: Same objection.

04:41PM 4 A. Are you talking about this or the -- this section or
04:41PM 5 the -- the whole policy? Because there's the ref --
04:41PM 6 there's the third party section.

04:41PM 7 Q. (By Ms. Gliozzo) The whole policy.

04:41PM 8 A. Yeah. Well, there's the third party section that seems
04:41PM 9 to get at that. But I can't speak to the -- the legal
04:41PM 10 answer to that question.

04:41PM 11 Q. Okay. It doesn't tell folks that ActiveProspect is the
04:41PM 12 one to recording in real time, right?

04:41PM 13 MS. FISHER: Assumes facts not in evidence;
04:41PM 14 objection. And objection to the extent the question
04:41PM 15 seeks information outside the scope of the 30(b)(6)
04:41PM 16 topics.

04:41PM 17 A. There is no explicit reference to ActiveProspect.

04:41PM 18 Q. (By Ms. Gliozzo) Nor is there any reference in this
04:41PM 19 document to TrustedForm, right?

04:41PM 20 A. Right.

04:41PM 21 Q. Okay. We looked a few minutes ago at the overall
04:41PM 22 Prudential privacy policy in 2022.

04:41PM 23 Do you remember that?

04:42PM 24 A. Yes.

04:42PM 25 Q. And similarly, in that document there's no explicit

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04:42PM 1 reference to the operation of ActiveProspect on the
04:42PM 2 website?

04:42PM 3 A. Correct.

04:42PM 4 Q. In fact, when it does address third parties, that
04:42PM 5 document says you are not able to limit our ability to
04:42PM 6 share your information with third parties.

7 MS. FISHER: Objection --

8 A. Sorry.

04:42PM 9 Q. (By Ms. Gliozzo) Do you remember that being in there?

04:42PM 10 A. That's, I think --

04:42PM 11 MS. FISHER: Misstates -- oh.

04:42PM 12 A. -- a misstatement.

04:42PM 13 Q. (By Ms. Gliozzo) Well, let's look at it.

04:42PM 14 A. It's the -- there were two sections, as I recall, about
04:42PM 15 the sharing of information with third parties. You
04:42PM 16 could restrict that in the case of sharing for
04:42PM 17 marketing purposes, and you could not restrict that in
04:42PM 18 the case of sharing for servicing and administrative
04:42PM 19 purposes.

04:42PM 20 Q. Thank you for that. That's a useful clarification. So
04:42PM 21 let me ask it better.

04:42PM 22 The only time that third parties is addressed in
04:42PM 23 this policy, it says you can restrict -- the sharing of
04:43PM 24 third parties for marketing purposes, but you are not
04:43PM 25 able to limit our ability to share your personal

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04:43PM 1 information with third parties, quote, for servicing
04:43PM 2 and administration purposes, right?

04:43PM 3 A. So this is not on the only place the document talks
04:43PM 4 about third parties. The document talks about third
04:43PM 5 parties in the "Sharing Your Information" section on
04:43PM 6 the prior page as well.

04:43PM 7 Q. Okay. With regards to users of the website's ability
04:43PM 8 to limit the sharing of their information with third
04:43PM 9 parties, this policy says, "You are not able to limit
04:43PM 10 our ability to share your personal information among
04:43PM 11 Prudential companies and with other non-Prudential
04:43PM 12 companies for servicing and administration purposes,"
04:43PM 13 right?

04:43PM 14 A. Right.

04:43PM 15 Q. Okay. And we have looked at the web form itself,
04:43PM 16 right, do you remember that?

04:43PM 17 A. Right.

04:43PM 18 Q. And I think we went over this, but I just want to make
04:44PM 19 sure.

04:44PM 20 On the web form itself, there's nothing that would
04:44PM 21 tell users that ActiveProspect is a company who is
04:44PM 22 operating software on the web page, right?

04:44PM 23 MS. FISHER: Objection. Calls for a legal
04:44PM 24 conclusion. And objection to the extent the question
04:44PM 25 seeks information outside the scope of the 30(b)(6)

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04:44PM 1 topics.

04:44PM 2 A. Right. That's my understanding.

04:44PM 3 Q. (By Ms. Gliozzo) Okay. There's no reference to
04:44PM 4 TrustedForm anywhere on the web form, right?

04:44PM 5 A. Right.

04:44PM 6 Q. Okay. Similarly, you recall we watched the video
04:44PM 7 replay for a specific user, and there was nothing on
04:44PM 8 the replay that indicated -- would have indicated to
04:44PM 9 the user that ActiveProspect is a third party that
04:44PM 10 collects user data on the web form?

04:44PM 11 MS. FISHER: Objection. Calls for a legal
04:44PM 12 conclusion. And objection to the extent the question
04:45PM 13 seeks information outside the scope of the noticed
04:45PM 14 30(b)(6) topics.

04:45PM 15 Mr. Renz, to the extent that you know the answer in
04:45PM 16 your personal capacity, you can answer.

04:45PM 17 A. From the video we watched, I did not see a reference to
04:45PM 18 TrustedForm.

04:45PM 19 Q. (By Ms. Gliozzo) Okay. There was no reference to
04:45PM 20 ActiveProspect either, right?

04:45PM 21 MS. FISHER: Same objections.

04:45PM 22 A. Again, I did not -- yeah. I did not see a reference to
04:45PM 23 ActiveProspect.

04:45PM 24 MS. GLIOZZO: Okay. I'll wrap it up, guys. I
04:45PM 25 just want to recap a little bit more, if you'll indulge

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04:45PM 1 me.

04:45PM 2 THE WITNESS: Okay.

04:45PM 3 MS. FISHER: Actually, before you wrap up, I'm

04:45PM 4 sorry to interrupt your question. Can we take like a

04:46PM 5 five-minute break? We've been on the record for an

04:46PM 6 hour now, so...

7 MS. GLIOZZO: Sure. That's fine.

8 MS. FISHER: Just a quick break? Okay.

9 MS. GLIOZZO: Yep.

04:46PM 10 THE WITNESS: Okay. Cool.

04:46PM 11 THE VIDEOGRAPHER: We are going off the

12 record --

13 THE WITNESS: Thanks.

04:46PM 14 THE VIDEOGRAPHER: -- at 4:46.

04:53PM 15 (Recess taken.)

04:54PM 16 THE VIDEOGRAPHER: We are back on the record

04:54PM 17 at 4:54.

04:54PM 18 MS. GLIOZZO: Great.

04:54PM 19 Q. (By Ms. Gliozzo) Mr. Renz, any of your testimony from

04:54PM 20 before that you want to amend or correct?

04:54PM 21 A. No.

04:54PM 22 Q. Okay. Okay. Let's recap a little bit.

04:54PM 23 Prudential and Assurance collaborate on the

04:54PM 24 contents of term.prudential.com, right?

04:54PM 25 A. Right.

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04:54PM 1 Q. They know what information is displayed to users on the
04:54PM 2 web form, right?

04:54PM 3 A. The team is involved in that collaboration, yeah. Yes.

04:54PM 4 Q. They control what information is displayed to users,
04:55PM 5 right?

04:55PM 6 MS. FISHER: Objection. Calls for a legal
04:55PM 7 conclusion.

04:55PM 8 A. Those teams collaborate and decide on what -- yes.

04:55PM 9 Q. (By Ms. Gliozzo) If they wanted to change the content
04:55PM 10 of the web form, they could, right?

04:55PM 11 A. Right.

04:55PM 12 Q. The TrustedForm script was used on the web form from
04:55PM 13 its inception, right?

04:55PM 14 A. Term dot -- the Pru Branded Path, yes.

04:55PM 15 Q. Uh-huh. And Assurance implemented TrustedForm's script
04:55PM 16 on the web form, knowing how it works, right?

04:55PM 17 A. Yes.

04:55PM 18 Q. ActiveProspect's end user license agreement that was in
04:55PM 19 force at the time the web form was launched required
04:55PM 20 that Assurance and/or Prudential get users' consent to
04:56PM 21 be recorded, right?

04:56PM 22 MS. FISHER: Objection. Calls for a legal
04:56PM 23 conclusion. And objection to the extent the question
04:56PM 24 seeks information outside the scope of the 30(b)(6)
04:56PM 25 topics.